APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,972	10/16/2004	Anthony S. Au	001-500	5971

29569 7590 01/09/2008		EXAMINER	
FURR LAW FIRM		PATEL, MANGLESH M	
2622 DEBOLT ROAD			
UTICA, OH 43080		ART UNIT	PAPER NUMBER
		2178	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/711,972	AU, ANTHONY S.
	Examiner	Art Unit	
	Manglesh M. Patel	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 October 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *76-96* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *76-96* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This **FINAL** action is responsive to the amendment filed on 10/15/2007.

2.   Claims 1-75 were canceled. Claims 76-96 are pending. Claims 76 and 84 are the independent claim.

Withdrawn Rejections

3.   The 35 U.S.C. 112 second paragraph rejection of claim 53 and 62 have been withdrawn in light of the amendment.

4.   The 35 U.S.C. 103(a) rejections of claims 53 & 55-75 with cited references of Williams U.S. 6,873,964 in view of Micaelian U.S. 6,714,929 has been withdrawn in light of the amendment.

5.   The 35 U.S.C. 103(a) rejections of claims 53 & 55-75 with cited references of Williams U.S. 6,873,964 in view of Crow U.S. Pub 2005/0080657 has been withdrawn in light of the amendment.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 76-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (U.S. 6,873,964, filed on Dec 11, 1998) in view of Micaelian (U.S. 6,714,929 filed on Apr 13, 2001) further in view of Crow (U.S. Pub 2005/0080657, filed Oct 10, 2003) further in view of Barney (U.S. 6,070,143, filed Dec 5, 1997).

Regarding Independent Claim 76, A data processing system for recruiting employees comprising:

a) having company input data based on the needs for a position;

b)prioritizing the company's data based on the importance of each need of the position and assign a weight to each need;

c) having a candidate input data independent of and not based the company's data where said candidate's data consist of a set of achievements, experience/responsibilities, personal attributes and winning attributes;

d) matching the candidate's input data with the company's data where possible using artificial intelligent to review said data;

e) upon matching, collect weights of the data of the Company, where said weights are assigned by the company and are changeable by the company and where said weights are not known by the candidate; and

f) calculating a score based on the accumulated weights collected.

Williams discloses a data processing system for recruiting employees comprising: Having a company input data based on the needs for a position (column 1, lines 30-55, wherein entering information related to a plurality of hiring needs includes company input data based on the needs of a position); Having a candidate input data independent of and not based the company's data that include a set of achievements etc. (column 3, lines 1-55, wherein resumes of potential candidates are collected, therefore including candidate input data not based on the company's data & column 3, lines 1-55, wherein the collected data which includes the resume from the applicant include information such as experience, achievements and winning attributes); Checking to see if the candidate meets a minimum criteria (column 3, lines 1-55, wherein the resumix system performs a search against open requisitions and resumes to identify applicants that meet job requisition requirements); Matching the candidate's input data with the company's data where possible (column 3, lines 1-55, wherein the applicant is contacted based upon the matching performed by the resumix system, which includes matching the candidate's data from the resume with the companies data based on the requisition requirements); Discloses prioritizing the company's data based on the needs of the position (wherein comparing of the job requisition requirements include the company's data based on the needs of the position that are prioritized on the job requisitions as either opened and unfilled or closed and filled); Williams fails to teach the weighting and scoring of the matches between the resume and the requisition requirements. Micaelian discloses prioritizing the company's data based on the importance of each need of the position and assign a weight to each need (abstract & column 2, lines 30-67, wherein the search system includes a weighted preference data. Where the resumix system of Williams uses the search system of Micaelian too assign weights to the company data); Calculating a score based on the weights and comparison of the company's data and candidate's data (abstract & column 2, lines 30-67, wherein ranking of the results includes calculating a score based on the weighted data and the data from the source representative of the resume items of William). Micaelian fails to teach that the weighted search criteria

includes goals and attributes of a company. Crow teaches where said company data consists of a set of goals, responsibilities, personal attributes and winning attributes (paragraphs 67 & 69, wherein the ontology includes company data such as job, roles, skills etc.).

Although Micaelian suggests the use of artificial intelligence for sending results to the search engine (see column 5, lines 45-56), he fails to teach the use of fuzzy logic for reviewing matches between company and candidate. Barney however teaches the use of job analysis system for analyzing human resource data (see abstract). Furthermore in column 7, lines 44-67 he describes using fuzzy logic for data provided from the job analysis wizard that includes candidate and company data. At the time of the invention it would have been obvious for one of ordinary skill in the art to have implemented the teaching of fuzzy logic and artificial intelligence techniques with Williams, Micaelian and Crow. The motivation for doing so would have been to save time by implementing an efficient algorithm using fuzzy logic for reviewing data.

Regarding Dependent claim 77, with dependency of claim 76, Williams discloses where said company data consists of a set of goals, responsibilities, personal attributes and winning attributes (column 1, lines 30-55 & column 3, lines 1-55).

Regarding Dependent claim 78, with dependency of claim 76, Williams discloses where said candidate's data consists of a set of achievements, experience/responsibilities, personal attributes and wining attributes (column 1, lines 30-55 & column 3, lines 1-55).

Regarding Dependent claim 79, with dependency of claim 76, Williams fails to explicitly mention the use of artificial intelligent logic for operating the resumix system. Micaelian explicitly discloses where said model identification step uses artificial intelligent to review said data (column 5, lines 45-57, wherein the system uses artificial intelligence techniques). Although Micaelian suggests the use of artificial intelligence for sending results to the search engine (see column 5, lines 45-56), he fails to teach the use of fuzzy logic for reviewing matches between company and candidate. Barney however teaches the use of job analysis system for analyzing human resource data (see abstract). Furthermore in column 7, lines 44-67 he describes using fuzzy logic for data provided from the job analysis wizard that includes candidate and company data. At the time of the invention it would have been obvious for one of ordinary skill in the art to

have implemented the teaching of fuzzy logic and artificial intelligence techniques with Williams, Micaelian and Crow. The motivation for doing so would have been to save time by implementing an efficient algorithm using fuzzy logic for reviewing data.

Regarding Dependent claim 80, with dependency of claim 76, Williams fails to explicitly mention the use of artificial intelligent logic for operating the resumix system. Micaelian explicitly discloses where said model identification step uses artificial intelligent to review said data (column 5, lines 45-57, wherein the system uses artificial intelligence techniques). Although Micaelian suggests the use of artificial intelligence for sending results to the search engine (see column 5, lines 45-56), he fails to teach the use of fuzzy logic for reviewing matches between company and candidate. Barney however teaches the use of job analysis system for analyzing human resource data (see abstract). Furthermore in column 7, lines 44-67 he describes using fuzzy logic for data provided from the job analysis wizard that includes candidate and company data enrichment. At the time of the invention it would have been obvious for one of ordinary skill in the art to have implemented the teaching of fuzzy logic and artificial intelligence techniques with Williams, Micaelian and Crow. The motivation for doing so would have been to save time by implementing an efficient algorithm using fuzzy logic for reviewing data.

Regarding Dependent claim 81, with dependency of claim 76, Williams fails to explicitly mention the use of artificial intelligent logic for operating the resumix system. Micaelian explicitly discloses where said model identification step uses artificial intelligent to review said data (column 5, lines 45-57, wherein the system uses artificial intelligence techniques). Micaelian suggests the use of artificial intelligence for sending results to the search engine (see column 5, lines 45-56). The combination of teachings by implementing the fuzzy logic search system into Williams teaches wherein said artificial intelligence uses most common practices by collecting all of the specifications for same/similar positions using a fuzzy logic match to create a 'most commonly used' search criteria. Although Micaelian suggests the use of artificial intelligence for sending results to the search engine (see column 5, lines 45-56), he fails to teach the use of fuzzy logic for reviewing matches between company and candidate. Barney however teaches the use of job analysis system for analyzing human resource data (see abstract). Furthermore in column 7, lines 44-67 he describes using fuzzy logic for data provided from the job analysis wizard that includes candidate and company data

enrichment. At the time of the invention it would have been obvious for one of ordinary skill in the art to have implemented the teaching of fuzzy logic and artificial intelligence techniques with Williams, Micaelian and Crow. The motivation for doing so would have been to save time by implementing an efficient algorithm using fuzzy logic for reviewing data.

Regarding Dependent claim 82, with dependency of claim 76, Williams discloses wherein said system will create a best practice specification using value add by company and candidate validation (column 1, lines 30-55 & column 3, lines 1-55).

Regarding Dependent claim 83, with dependency of claim 82, Williams discloses wherein said best practice specification will be used in matching candidate's input data with the company's data. (column 1, lines 30-55 & column 3, lines 1-55)

Regarding Independent claim 84, A data processing system for recruiting employees comprising:
a) having a company input data based on the needs for a position;
b) prioritizing the company's data based on the importance of each need of the position, and assign a weight to each need where said company data consists of a set of goals, responsibilities, personal attributes and winning attributes;
c) having a candidate input data independent of and not based the company's data where said candidate's data consists of a set of achievements, experience/ responsibilities, personal attributes and winning attributes;
d) matching the candidate's input data with the company's data where possible using artificial intelligent to review said data where said artificial intelligence uses most common practices by collecting all of the specifications for same/similar positions using a fuzzy logic match to create a 'most commonly used' search criteria, where said system will create a best practice specification using value add by company and candidate validation, where said best practice specification will be used in matching the candidate's input data with the company's data;
e) upon matching, collecting weights of the data of the company, where said weights are assigned by the company and are changeable by the company and where said weights are not known by the candidate; and\

f) calculating a score based on the accumulated weights collected.

Williams discloses a data processing system for recruiting employees comprising: Having a company input data based on the needs for a position (column 1, lines 30-55, wherein entering information related to a plurality of hiring needs includes company input data based on the needs of a position); Having a candidate input data independent of and not based the company's data that include a set of achievements etc. (column 3, lines 1-55, wherein resumes of potential candidates are collected, therefore including candidate input data not based on the company's data & column 3, lines 1-55, wherein the collected data which includes the resume from the applicant include information such as experience, achievements and winning attributes); Checking to see if the candidate meets a minimum criteria (column 3, lines 1-55, wherein the resumix system performs a search against open requisitions and resumes to identify applicants that meet job requisition requirements); Matching the candidate's input data with the company's data where possible (column 3, lines 1-55, wherein the applicant is contacted based upon the matching performed by the resumix system, which includes matching the candidate's data from the resume with the companies data based on the requisition requirements); Discloses prioritizing the company's data based on the needs of the position (wherein comparing of the job requisition requirements include the company's data based on the needs of the position that are prioritized on the job requisitions as either opened and unfilled or closed and filled); Williams fails to teach the weighting and scoring of the matches between the resume and the requisition requirements. Micaelian discloses prioritizing the company's data based on the importance of each need of the position and assign a weight to each need (abstract & column 2, lines 30-67, wherein the search system includes a weighted preference data. Where the resumix system of Williams uses the search system of Micaelian too assign weights to the company data); Calculating a score based on the weights and comparison of the company's data and candidate's data (abstract & column 2, lines 30-67, wherein ranking of the results includes calculating a score based on the weighted data and the data from the source representative of the resume items of William). Micaelian fails to teach that the weighted search criteria includes goals and attributes of a company. Crow teaches where said company data consists of a set of goals, responsibilities, personal attributes and winning attributes (paragraphs 67 & 69, wherein the ontology includes company data such as job, roles, skills etc.).

Although Micaelian suggests the use of artificial intelligence for sending results to the search engine (see column 5, lines 45-56), he fails to teach the use of fuzzy logic for reviewing matches between company and candidate. Barney however teaches the use of job analysis system for analyzing human resource data (see abstract). Furthermore in column 7, lines 44-67 he describes using fuzzy logic for data provided from the job analysis wizard that includes candidate and company data. At the time of the invention it would have been obvious for one of ordinary skill in the art to have implemented the teaching of fuzzy logic and artificial intelligence techniques with Williams, Micaelian and Crow. The motivation for doing so would have been to save time by implementing an efficient algorithm using fuzzy logic for reviewing data.

Regarding Dependent claim 85, with dependency of claim 84, Williams fails to explicitly mention the use of artificial intelligent logic with fuzzy logic for operating the resumix system. Micaelian explicitly discloses where said model identification step uses artificial intelligent with fuzzy logic to review said data (column 5, lines 45-57, wherein the system uses artificial intelligence techniques). Micaelian suggests the use of artificial intelligence for sending results to the search engine (see column 5, lines 45-56). Although Micaelian suggests the use of artificial intelligence for sending results to the search engine (see column 5, lines 45-56), he fails to teach the use of fuzzy logic for reviewing matches between company and candidate. Barney however teaches the use of job analysis system for analyzing human resource data (see abstract). Furthermore in column 7, lines 44-67 he describes using fuzzy logic for data provided from the job analysis wizard that includes candidate and company data enrichment. At the time of the invention it would have been obvious for one of ordinary skill in the art to have implemented the teaching of fuzzy logic and artificial intelligence techniques with Williams, Micaelian and Crow. The motivation for doing so would have been to save time by implementing an efficient algorithm using fuzzy logic for reviewing data.

Regarding Dependent claim 86, Williams discloses with dependency of claim 84, Williams discloses where no more than 3 goals are entered (column 1, lines 30-55 & column 3, lines 1-55).

Regarding Dependent claim 87, with dependency of claim 84, Williams discloses where no more than 5 responsibilities and professional inputs are entered (column 1, lines 30-55 & column 3, lines 1-55).

Regarding Dependent claim 88, with dependency of claim 84, Williams discloses where no more than 8 personal attributes are entered (column 1, lines 30-55 & column 3, lines 1-55).

Regarding Dependent claim 89, with dependency of claim 84, Williams discloses where no more than 5 achievements are entered (column 1, lines 30-55 & column 3, lines 1-55).

Regarding Dependent claim 90, with dependency of claim 84, Williams discloses where the responsibilities required by a company are compared with experience/ responsibilities of a candidate (column 1, lines 30-55 & column 3, lines 1-55).

Regarding Dependent claim 91, with dependency of claim 84, Williams discloses where the goals are compared with the achievements (column 1, lines 30-55 & column 3, lines 1-55).

Regarding Dependent claim 92, with dependency of claim 84, Williams discloses which is accessed over a network (column 1, lines 30-55 & column 3, lines 1-55).

Regarding Dependent claims 93, 94 and 95, Williams discloses where no more than 8 winning attributes are entered (column 1, lines 30-55 & column 3, lines 1-55).

Regarding Dependent claim 96, with dependency of claim 84, Williams discloses where the winning attributes required by a company are compared with the winning attributes described by a candidate (column 1, lines 30-55 & column 3, lines 1-55).

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. [[See, MPEP 2123]]

Response to Arguments

8.   The arguments filed on 10/15/2007 has been considered but are moot in view of the new grounds of rejection.

Conclusion

References Cited

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Garner, JR (U.S. Pub 2007/0124226) discloses "Method For Verifying Data in a dating service, dating-service database including verified member data, and method for prioritizing search results including verified data, and methods for verifying data"

- Scarborough et al. (U.S. Pub 2002/0042786) discloses "Development Of Electronic Employee Selection Systems And Methods"

- NPL--Mackinson, Application of Heuristics and Fuzzy Logic to Natural Resource Modelling, 1999, IEEE, pgs 491-497

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M,F 8:30-6:00 T,TH 8:30-3:00 Wed 8:30-7:00.
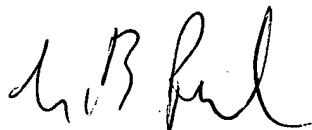
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S.

Hong can be reached on (571)272-4124. The fax phone number for the organization where this application or

proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information

Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or

Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more

information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the

Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel
Patent Examiner
January 3, 2008

CESAR PAULA
PRIMARY EXAMINER